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Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

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Registration (O.A.) No. 38 of 1987

Prem Lal Bahal ..... Applicant.

Versus

Divisional Railway Manager,  
Northern Railway, Allahabad. .... Respondent.

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Hon'ble Ajay Johri, A.M.

By this application, filed under Section 19 of the Administrative Tribunals Act XIII of 1985, the applicant, Prem Lal Bahal, who is working as an Assistant Traction Foreman (Running) (ATF(R)) on the Allahabad Division of Northern Railway has prayed for the relief that the respondents be directed to pay to the applicant a sum of Rs.950/- for the period 9.9.1974 to 31.3.1976 in pursuance of the Railway Board's circular of 29.9.1984.

3/ 2. The applicant's case is that while he was working as a Driver Gr.'C' he was promoted to work as ATF(R) on 9.9.1974. According to him the personnel working in the running side are entitled to count certain amount of their running allowance in their pay when they are put to work on stationary duties. When he was posted as ATF(R) on 9.9.1974 which was a stationary post he became entitled to count this allowance in his pay. There <sup>were</sup> ~~was~~ certain representations against the fixation of the pay on being appointed to the stationary post and by a letter dated 29.9.1984 the Railway Board conveyed a decision for the payment of lumpsum arrears for the period 1.1.1973 to 31.3.1976 in the case of



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those who were posted to the running post during this period. In terms of this letter since the applicant was posted on the stationary post on 9.9.1974 he became entitled to the lumpsum payment. He made various representations but no payments have been made to him so far.

3. In their reply to the application the respondents have said that the applicant is entitled for the benefit of running allowance (30 per cent of the basic<sup>3</sup> pay of Drivers' pay scale) while fixing ~~thx~~ his pay in the stationary post. They have further said that the applicant has been given the benefits in fixation of pay when he was posted as ATF(R). They have further said that the applicant's case in regard to the payment of arrears is under process and he will be given the dues as are admissible in terms of the Railway Board's letter of 29.9.1984 at the earliest along with any adjustments that may be necessary.

4. Railway Board's letter of 29.9.1984 is placed as Annexure 'I' to the application. By this letter the Railway Board after discussing the matter with the representatives of the labour decided as a negotiated settlement that the Railway Board's letter of 22.3.1976 relating to the treatment of running allowance as for various specified purpose will be given effect to with effect from 1.1.1973 in case of those running staff who were appointed on stationary post during the period 1.1.1973 to 31.3.1976. Therefore, the staff, who had been so appointed according to this letter of the Board, were to be given the initial fixation of pay in his stationary post on the basis of the orders contained in the Board's letter of 22.3.1976 on proforma basis from the date of their appointments to the



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stationary post. This letter would, therefore, seem to entitle the applicant for proforma fixation of his pay from 9.9.1974, the date when he was appointed as ATF(R). The Railway Board's letter further says that the current fixation will be effected from 1.9.1984. As far as the arrears are concerned the Board's letter laid down a payment of lumpsum instead of calculating the arrears on the monthly basis. It is this arrear that the applicant is representing that he should be paid and the respondents inspite of their having given the reply on 3.4.1987 have not yet paid to the applicant. There is no dispute about the fact that the applicant is entitled to get these arrears. It is only a question of the respondents taking time to issue necessary orders. I feel that the period of one year and six months after the submission of this reply should have been adequate period to make these payments to the applicant. The Railway Board had issued these orders on 29.9.1984 and it has already taken a lot of time for the respondents to implement the Board's directives.

5. On the above considerations and <sup>38/ the fact</sup> ~~since~~ there is no dispute about the relief prayed for by the applicant I direct that the dues, as admissible to the applicant in terms of the Railway Board's letter of 29.9.1984, should be paid to him within a period of two months from the date of receipt of these orders. Since there is no dispute about the entitlement the applicant will also be entitled to interest <sup>38/ Board's letter of</sup> on the arrears that become payable to him for the period <sup>3/ become effective i.e. was ready for implementation</sup> 29.9.1984 to the date the payment is made at the rate of 10 per cent per annum. Naturally the arrears payable to him



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will be subject to any adjustment of payments already made.  
The application is allowed in the above terms with no order  
as to costs.

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MEMBER (A).

Dated: September, 27, 1988.

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